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December 21, 2020

Re: United States v. Michael Del Villar, 20-cr-295 (VEC)

The Honorable Valerie E. Caproni
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Dear Judge Caproni,

I respectfully submit this letter on behalf of the defendant Michael Del Villar, to seek a modification of the terms of his pretrial home detention so that he may stay overnight with his children's grandparents (where his children will be) on Christmas Eve (December 24, 2020), his eldest daughter's birthday (December 27, 2020), and New Year's Eve (December 31, 2020), while otherwise abiding by the conditions of his bail, including his curfew and GPS monitoring. The residence where Mr. Del Villar would be staying is in the district of his supervision, and the address has been provided to Pretrial Services.

As background, on August 11, 2020, your Honor modified the terms of Mr. Del Villar's release on home detention to include a curfew, enforced by GPS electronic monitoring, with the hours set by Pretrial Services. Mr. Del Villar has complied with all of his bail conditions.

In accordance with Pretrial Services' policy not to consent to "social requests," Mr. Del Villar's Pretrial Services Officers have declined to consent to this request, and the Government has deferred to Pretrial Services per what it describes as its own policy. However, neither Pretrial Services nor the Government disputes that Mr. Del Villar has fully complied with the conditions of his bail, and neither has offered any reason, beyond the aforementioned policy, that Mr. Del Villar's request to spend the holiday with his family would be inconsistent with the

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objectives of the Bail Reform Act. While the policy cited by Pretrial Services undoubtedly serves important objectives in some cases, it does not seem necessary to defer to them here.

Accordingly, we respectfully request that Mr. Del Villar's bail conditions be modified temporarily to allow him to spend the nights listed above with his family. We stand ready to supply the Court with any additional information it may require.

Respectfully submitted,

/s/ Anirudh Bansal

Anirudh Bansal

Counsel for Michael Del Villar

cc: Brett Kalikow, Assistant United States Attorney (via e-mail)
United States Pretrial Services Officer Ashley Cosme (via e-mail)
United States Pretrial Services Officer Tiffany Rivers (via e-mail)
United States Pretrial Services Officer Brenda Mercado (via e-mail)

Application DENIED. Although the Court would prefer Mr. Del Villar be able to spend the holidays with his children, unfortunately granting Mr. Del Villar his request would result in the commingling of family groups in contravention of the latest CDC guidance. Thus, the Court regretfully must deny Mr. Del Villar's request.

SO ORDERED.


12/22/2020

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE